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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,695	05/31/2000	Michael E. Tasker	2705-111	5271

20575 7590 03/11/2004

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EXAMINER	
HOM, SHICK C	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/583,695	TASKER, MICHAEL E.	
	Examiner	Art Unit	
	Shick C Hom	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/30/03 have been fully considered but they are not persuasive.

In page 7 line 21 to page 8 line 11, applicant argued that Staples et al. do the teach or suggest the remote user or computer being able to place local telephone calls outside the PBX is not persuasive because Staples et al. in col. 10 lines 1-33, col. 10 line 66 to col. 11 line 5, and col. 12 lines 9-16 which recite that the remote user can call a user next door in the remote office without going through the corporate office, i.e. the PBX, but rather through BO server and the PSTN clearly anticipate the remote user or computer being able to place local telephone calls outside the PBX as now claimed.

Drawings

2. The drawings were received on 12/20/03. These drawings are accepted by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-6, 9-18, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples et al. (5,889,845).

Regarding claim 1:

Staples et al. disclose the method for maintaining a virtual presence of a first remote telephone user in a PBX system (see Figs. 2-5 and col. 2 lines 37-45) having a frame relay network connection between two endpoint routers while permitting the first remote user to make local calls (col. 1 lines 51-61 and col. 3 lines 25-40), the method comprising: first signaling a PBX to represent the remote telephone as being off hook (col. 22 lines 54-65 and col. 24 lines 43-60); routing a telephone call placed at the remote telephone in accordance with a defined protocol outside the PBX (col. 8 line 65 to col.

9 line 9, col. 10 lines 1-33, col. 10 line 66 to col. 11 line 5, and col. 12 lines 9-16); and when the routed telephone call is terminated, second signaling the PBX to restore the on hook status of the remote telephone (col. 22 lines 45-52 and col. 26 line 58 to col. 27 line 18).

Regarding claim 2:

Staples et al. disclose wherein said first and said second signaling are performed in-band (col. 24 lines 43-60).

Regarding claim 4:

Staples et al. disclose wherein said telephone call-routing is to a public switched telephone network (PSTN) local to the remote telephone (col. 6 lines 10-26).

Regarding claim 5:

Staples et al. disclose wherein said telephone call-routing is to another remote telephone user at the same site within the PBX system as the first remote telephone user (col. 6 lines 10-38).

Regarding claim 6:

Staples et al. disclose wherein said call-routing to another remote same-site telephone user is performed by a router having a public switched telephone network (PSTN) local to the remote telephone and wherein said PSTN is used in said call-routing (col. 6 lines 10-38).

Regarding claim 9:

Staples et al. disclose indicating in response to an incoming call directed to the remote telephone that the telephone is busy generally from when said off-hook signaling occurs to when said on-hook signaling occurs (col. 24 lines 43-60 and col. 26 lines 34-51).

Regarding claim 10:

Staples et al. disclose the private branch exchange (PBX) conditioning apparatus for use in an endpoint router having a public switched telephone network (PSTN) connection and a voice-equipped frame relay network connection (Figs. 2-5, col. 1 lines 51-61, col. 2 lines 37-45, col. 3 lines 25-40, col. 6 lines 10-26), the apparatus comprising: a mechanism for selectively routing a telephone call placed at a PBX-connected telephone to the local PSTN outside the PBX (col. 6 lines 10-26, col. 10 lines 1-33, col. 10 line 66 to col. 11 line 5, and col. 12 lines 9-16); a mechanism for first signaling the PBX that the PBX-connected telephone is temporarily incapable of receiving calls (col. 24 lines 43-60 and col. 26 lines 34-51); a mechanism for detecting a termination of such a PSTN-routed telephone call (col. 22 lines 45-52 and col. 26 line 58 to col. 27 line 18); and a mechanism responsive to said detecting mechanism for second signaling the PBX that the PBX-connected telephone again

is capable of receiving calls (col. 22 lines 45-52); said first and second signaling mechanisms including software instructions resident on a computer-readable medium that when executed by a processor modify one or more interface status bits in the PBX (col. 2 lines 37-54 and col. 26 line 64 to col. 27 line 18).

Regarding claim 11:

Staples et al. disclose wherein said routing mechanism is responsive to a predefined dialing sequence received from the PBX-connected telephone (col. 3 lines 11-24 and col. 6 line 66 to col. 7 line 9).

Regarding claim 12:

Staples et al. disclose a mechanism for alternatively routing the telephone call placed at the PBX-connected telephone to a same site PBX-connected telephone (col. 3 lines 11-24 and col. 6 line 66 to col. 7 line 9).

Regarding claim 13:

Staples et al. disclose wherein said first and said second signaling mechanisms are operatively coupled to a PBX station interface associated with the PBX (col. 21 lines 9-21).

Regarding claim 14:

Staples et al. disclose the private branch exchange (PBX) conditioning apparatus for use in an endpoint router having a public switched telephone network (PSTN) connection and a

voice-equipped frame relay network connection (see Figs. 2-5, col. 1 lines 51-61, col. 2 lines 37-45, col. 3 lines 25-40, and col. 6 lines 10-26), the apparatus comprising: means for selectively routing a telephone call placed at a PBX-connected telephone to the local PSTN outside the PBX (col. 6 lines 10-26, col. 10 lines 1-33, col. 10 line 66 to col. 11 line 5, and col. 12 lines 9-16); means for signaling the PBX that the PBX-connected telephone is temporarily incapable of receiving calls (col. 24 lines 43-60 and col. 26 lines 34-51); means for detecting a termination of such a PSTN-routed telephone call (col. 22 lines 45-52 and col. 26 line 58 to col. 27 line 18); and means responsive to said detecting means for signaling the PBX that the PBX-connected telephone again is capable of receiving calls (col. 22 lines 45-52).

Regarding claim 15:

Staples et al. disclose wherein said routing means is responsive to a predefined dialing sequence received from the PBX-connected telephone (col. 3 lines 11-24 and col. 6 line 66 to col. 7 line 9).

Regarding claim 16:

Staples et al. disclose means for alternatively routing the telephone call placed at the PBX-connected telephone to a same

site PBX-connected telephone (col. 3 lines 11-24 and col. 6 line 66 to col. 7 line 9).

Regarding claim 17:

Staples et al. disclose wherein said first and said second signaling means are operatively coupled to a PBX station interface associated with the PBX (col. 21 lines 9-21).

Regarding claim 18:

Staples et al. disclose the computer-readable medium containing a program for maintaining a virtual presence of a first remote telephone user in a PBX system (col. 2 lines 37-54) having a frame relay network connection between two endpoint routers while permitting the first remote user to make local calls (col. 1 lines 51-61 and col. 3 lines 25-40), the program comprising: instructions for first signaling a PBX to represent the remote telephone as being off hook (col. 22 lines 54-65 and col. 24 lines 43-60); instructions for routing a telephone call placed at the remote telephone in accordance with a defined protocol (col. 8 lines 65 to col. 9 line 9); and instructions operative when the routed telephone call is terminated for second signaling the PBX to restore the on-hook status of the remote telephone (col. 22 lines 45-52 and col. 26 line 58 to col. 27 line 18).

Regarding claim 20:

Staples et al. disclose wherein said call-routing instructions are operative to route the telephone call to a public switched telephone network (PSTN) local to the remote telephone (col. 6 lines 10-26).

Regarding claim 21:

Staples et al. disclose wherein said call-routing instructions are operative to route the telephone call to another remote telephone user at the same site within the PBX system as the first remote telephone user (col. 3 lines 11-24 and col. 6 line 66 to col. 27 line 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. (5,889,845) in view of Astarabadi (5,822,405).

For claim 8 Staples et al. disclose the method for maintaining a virtual presence of a remote telephone user in a PBX system as described in paragraph 5 of this office action.

Staples et al. disclose all the subject matter of the claimed invention with the exception of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said first signaling occurs to a time when said second signaling occurs as in claim 8.

Astarabadi from the same fields of endeavor teach that it is known to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said first signaling occurs to a time when said second signaling occurs (see col. 12 lines 28-43 and col. 15 lines 45-51). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said first signaling occurs to a time when said second signaling occurs as taught by Astarabadi in the method for maintaining a virtual presence of a remote telephone user in a PBX of Staples et al. The step of forwarding an incoming call directed to the remote telephone to a voice mailbox can be implemented by connecting the voice mailbox of Astarabadi into

the PBX of Staples et al. The motivation for providing the voice mailbox as taught by Astarabadi in the method of Staples et al. being that it provides the added feature of enabling the user the convenience of accessing, retrieve and store telephone messages at one point in time and listen to them at a later, more convenient time in the system of Staples et al.

7. Claims 3, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. (5,889,845) in view of Foodeei et al. (6,445,696).

For claims 3, 7, and 19 Staples et al. disclose the method and computer-readable medium as described in paragraph 5 of this office action.

Staples et al. disclose all the subject matter of the claimed invention with the exception of wherein said in-band signaling is in accordance with an FRF.11 or VToA AAL2 voice over packet protocol as in claims 3, 19; and use of the FRF.11 or VToA AAL2 voice over packet trunk connection as in claim 7.

Foodeei et al. from the similar fields of endeavor teach that it is known to provide in-band signaling being in accordance with an FRF.11 or VToA AAL2 voice over packet protocol; and use of the FRF.11 or VToA AAL2 voice over packet trunk (col. 2 line 40 to col. 3 line 17). Thus, it would have

been obvious to the person having ordinary skill in the art at the time the invention was made to provide the in-band signaling being in accordance with an FRF.11 or VToA AAL2 voice over packet protocol; and use of the FRF.11 or VToA AAL2 voice over packet trunk as taught by Foodeei et al. in the method and computer-readable medium of Staples et al. The motivation for using VToA AAL2 voice over packet protocol and trunk as taught by Foodeei et al. in the method and medium of Staples et al. being that it provides lower development cost due to use of popular and existing standard protocol and trunk in the implementation of the method and medium of Staples et al.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's

regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

March 7, 2004